

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

MARLA TAYLOR BYRD

VS.

HOME STASH LLC, ET AL.

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§

CIVIL NO. 4:21-CV-1348-P

**ORDER RECOMMENDING DISMISSAL
AND RETURNING CASE TO DISTRICT JUDGE**

On December 16, 2021, *pro se* Plaintiff Marla Taylor Byrd filed a complaint in the above-styled and numbered cause. Thereafter, on December 17, 2021, the Court entered a Notice of Deficiency and Order stating, *inter alia*, that Plaintiff “has not ‘affirmatively and distinctly’ alleged facts showing how the Court has jurisdiction over the case.” Consequently, the Court ordered Plaintiff, no later than January 7, 2022, to file an Amended Complaint that met the requirements set forth in the Court’s December 17, 2021 order. As of the date of this order, Plaintiff has wholly failed to comply with the Court’s December 17, 2021 order by filing an Amended Complaint. Consequently, the Court **RECOMMENDS** that the above-styled and numbered cause be **DISMISSED** for failing to comply with the Court’s orders and for lack of subject-matter jurisdiction.

**NOTICE OF RIGHT TO OBJECT TO PROPOSED
FINDINGS, CONCLUSIONS AND RECOMMENDATION
AND CONSEQUENCES OF FAILURE TO OBJECT**

Under 28 U.S.C. § 636(b)(1), each party to this action has the right to serve and file specific written objections in the United States District Court to the United States Magistrate Judge’s proposed findings, conclusions and recommendation within fourteen (14) days after the party has been served with a copy of this document. The United States District Judge need only make a *de novo* determination of those portions of the United States Magistrate Judge’s proposed findings,

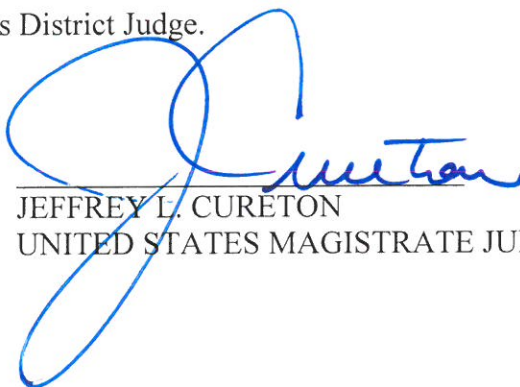
conclusions and recommendation to which specific objection is timely made. *See* 28 U.S.C. § 636(b)(1). Failure to file, by the date stated above, a specific written objection to a proposed factual finding or legal conclusion will bar a party, except upon grounds of plain error or manifest injustice, from attacking on appeal any such proposed factual findings and legal conclusions accepted by the United States District Judge. *See Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1) (extending time to file objections from ten to fourteen days).

ORDER

Under 28 U.S.C. § 636, it is hereby **ORDERED** that each party is granted **until February 7, 2022** to serve and file written objections to the United States Magistrate Judge's proposed findings, conclusions and recommendation. It is further **ORDERED** that if objections are filed and the opposing party chooses to file a response, the response shall be filed within seven (7) days of the filing date of the objections.

It is further **ORDERED** that the above-styled and numbered action, previously referred to the United States Magistrate Judge for findings, conclusions and recommendation, be and hereby is returned to the docket of the United States District Judge.

SIGNED January 24, 2022.



JEFFREY L. CURETON
UNITED STATES MAGISTRATE JUDGE